

HOUSE JOURNAL.

THIRTY-FIRST LEGISLATURE—THIRD CALLED SESSION.

PROCEEDINGS.

FIRST DAY.

Hall of the House of Representatives,
Austin, Texas,
Tuesday, July 19, 1910.

In obedience to the proclamation of His Excellency, T. M. Campbell, Governor of Texas, convening the Thirty-first Legislature to meet in Special Session at Austin, the seat of government, this, the 19th day of July, A. D. 1910, the members of the House of Representatives assembled in Representative Hall at 2 o'clock p. m., and the House was called to order by Hon. John Marshall, Speaker.

Speaker Marshall then directed the Clerk to call the roll, and the following members were present:

Adams.	Crockett
Anderson.	of Mitchell.
Aston.	Crockett
Baker of Hood.	of Washington.
Baker of Panola.	Cureton.
Ballengee.	Currey.
Barrett.	Dalby.
Bartlett.	Dotson.
Bell.	Elliott.
Bierschwale.	Fant.
Bogard.	German.
Bostic.	Gilmore.
Boswell.	Goodman.
Bowles.	Graham.
Branch.	Hamilton
Briscoe.	of Childress.
Brooks.	Hamilton
Brookshire.	of McCulloch.
Brown.	Harman.
Brownlee.	Haxthausen.
Buchanan.	Hill.
Byrne.	Jackson.
Cable.	Jennings.
Canales.	Keeble.
Caves.	Kennedy.
Cox.	Lawson.
Craven.	Leach.
Crawford.	Lee.
Crisp.	Maddox.

Mason.	Roberson of Erath.
Matthews.	Robertson
Maxwell.	of Travis.
McCallum.	Schluter.
McDonald.	Schofield.
McGown.	Self.
McKinney.	Smith.
McLain.	Spradley.
Moller.	Stamps.
Morris.	Stratton.
Munson.	Standifer.
Nelson	Stead.
of Kaufman.	Stephenson.
O'Bryan.	Stepter.
O'Bryant.	Stratton.
Odum.	Tarver.
Pearson.	Terrell of Bexar.
Porter.	Terrell of Cherokee.
Rabb.	Turner.
Ralston.	Vaughan.
Ray.	Von Rosenbergh.
Rayburn.	Wahrmond.
Reedy.	Walter.
Roach.	Werner.
	Wilson.

Absent.

Cathey.	Luce.
Chaney.	Nelson of Hopkins.
Davis.	Nickels.
Driggers.	Perkins.
Fitzhugh.	Pharr.
Flournoy.	Reid.
Fuller.	Robertson of Bell.
Highsmith.	Strickland.
Johnson.	Turney.
Lively.	Wortham.

Total number present, including the Speaker in the chair, 102.

Necessary to a quorum, 89.

The Speaker announced a quorum present.

Prayer by Rev. W. J. Joyce, Chaplain.

GOVERNOR'S PROCLAMATION.

The Speaker then handed to the Clerk the proclamation of the Governor, which was read to the House, as follows:

Executive Office,
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, for the following purposes, to-wit:

1. To enact a law repealing the law enacted by the Thirty-first Legislature at its First Called Session, known as Chapter 18, and entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

2. To enact adequate laws preventing discrimination by fire insurance companies and to prevent combinations between such companies to destroy competition in fire insurance rates in Texas, and to provide penalties therefor, and to provide means for the enforcement of such laws.

3. To consider and act upon such other matters as may hereafter be presented by me, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof, I have set my hand and caused the seal of the State of Texas to be affixed at Austin, Texas, this the 15th day of June, A. D. 1910.

(Seal.) T. M. CAMPBELL,
Governor of Texas.

By the Governor.

W. B. TOWNSEND,
Secretary of State.

The State of Texas,
Department of State.

I, W. B. Townsend, Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the proclamation of the Governor of the State of Texas calling a Special Session of the Thirty-first Legislature of the State of Texas, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, as said proclamation appears on file in this Department.

In testimony whereof, I have here-

unto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Texas, on this the 19th day of July, A. D. 1910.

(Seal.) W. B. TOWNSEND,
Secretary of State.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Johnson indefinitely, on motion of Mr. Moller.

Mr. Wortham indefinitely, on motion of Mr. Roberson of Erath.

Mr. Davis indefinitely, on motion of Mr. Goodman.

Mr. Luce indefinitely, on motion of Mr. Baker of Panola.

Mr. Turney indefinitely, on motion of Mr. Schluter.

COMMITTEES OF NOTIFICATION.

Mr. Adams moved that the Speaker be authorized to appoint two committees of three members each, one to notify the Governor, and one to notify the Senate that the House has a quorum present, is organized and is ready for business.

The motion prevailed.

In accordance with above action, the Speaker announced the appointment of the following committees:

To notify the Governor: Messrs. Adams, Gilmore and Crockett of Washington.

To notify the Senate: Messrs. O'Bryan, Roberson of Erath and Brownlee.

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House has a quorum present, is organized and now ready to transact business, appeared at the bar of the House and reported that they had performed the duty assigned them, and that the Governor desired them to say that he would communicate with the House at an early hour.

PROVIDING FOR EMPLOYES OF
THE HOUSE.

Mr. McCallum offered the following resolution:

Resolved, That the Speaker of the House be and is hereby authorized and empowered to appoint a Private Secretary to the Speaker at \$5.00 per day; one private stenographer to the Speaker at \$5.00 per day; one private page to

the Speaker at \$2.00 per day; one porter to the Speaker at \$2.00 per day; one clerk to the Sergeant-at-Arms at \$4.00 per day; one page and one porter to the Sergeant-at-Arms at \$2.00 per day each. Also, that he appoint for the use of the members of the House five stenographers who shall also act as committee clerks when necessary at \$5.00 per day each; that he shall appoint five other stenographers who shall each receive \$4.00 per day, and three general clerks who shall each receive \$4.00 per day. One page to the Journal Clerk and one page to the Hon. W. S. Stepter at \$2.00 per day each. Ten pages for the use of the House, who shall each receive \$2.00 per day; one assistant to run elevator at \$2.00 per day; one sweeper at \$2.00 per day, and eight porters, who shall each receive \$2.00 per day.

Be it further resolved, That the Speaker is hereby authorized to discharge any of said employes at any time when in his judgment their services are unnecessary for the dispatch of business or for inefficiency or neglect of their duties. And he is further empowered to employ additional clerks, stenographers or other employes if necessary to expedite the business of the House on the same basis of salary as hereinbefore set out.

McCALLUM,
STRATTON.

The resolution was read second time.
Question—Shall the resolution be adopted?

Mr. Kennedy offered the following amendment to the resolution:

Amend resolution so as to fix the salary of all stenographers and committee clerks at \$4.00 per day.

Mr. McCallum moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—19.

Adams.	Keeble.
Baker of Hood.	Lee.
Barrett.	McCallum.
Bartlett.	Moller.
Brookshire.	Robertson
Cox.	of Travis.
Crisp.	Stratton.
Crockett	Terrell of Bexar.
of Washington.	Turner.
Cureton.	Wahrmund.
Jennings.	

Nays—76.

Anderson.	Mason.
Baker of Panola.	Matthews.
Ballengee.	Maxwell.
Bell.	McDonald.
Bierschwale.	McGown.
Bogard.	McKinney.
Bostic.	Morris.
Bowles.	Munson.
Branch.	Nelson
Briscoe.	of Kaufman.
Brownlee.	O'Bryan.
Buchanan.	O'Bryant.
Byrne.	Odom.
Cable.	Pearson.
Canales.	Porter.
Caves.	Rabb.
Craven.	Ralston.
Crawford.	Ray.
Crockett	Rayburn.
of Mitchell.	Reedy.
Currey.	Roach.
Dalby.	Roberson of Erath.
Dotson.	Schluter.
Elliott.	Schofield.
German.	Self.
Gilmore.	Smith.
Goodman.	Spradley.
Graham.	Stamps.
Hamilton	Standifer.
of Childress.	Stead.
Hamilton	Stephenson.
of McCulloch.	Stepter.
Harman.	Tarver.
Haxthausen.	Terrell of Cherokee.
Hill.	Vaughan.
Jackson.	Von Rosenberg.
Kennedy.	Walter.
Lawson.	Werner.
Leach.	Wilson.
Maddox.	

Present—Not Voting.

Brown.	Fant.
	Absent.
Aston.	Lively.
Boswell.	McLain.
Brooks.	Nelson of Hopkins.
Cathey.	Nicks.
Chaney.	Perkins.
Driggers.	Pharr.
Fitzhugh.	Raid.
Flournoy.	Robertson of Bell.
Fuller.	Strickland.
Highsmith.	

Absent—Excused.

Davis.	Turney.
Johnson.	Wortham.
Luce.	

Question—Shall the amendment be adopted?

Mr. Canales offered the following substitute for the amendment:

Amend the resolution by striking out "five stenographers, who shall also act as committee clerks at \$5.00 per day, and five stenographers at \$4.00 per day," and insert in lieu thereof the following: "Ten stenographers, who shall also act as committee clerks, at \$4.00 per day each."

GILMORE,
CAVES,
CANALES,
KENNEDY.

The substitute was accepted, and the amendment as substituted was adopted.

The resolution as amended was then adopted.

SENATE NOTIFIED THAT HOUSE HAS QUORUM PRESENT.

The committee appointed to notify the Senate that the House has a quorum present, is organized and now ready to transact business, appeared at the bar of the House and, being duly announced, reported that they had discharged the duty assigned to them.

PROVIDING FOR DAILY NEWS-PAPERS.

Mr. Adams offered the following resolution:

Resolved, That each member of the House be allowed to subscribe for five daily newspapers, to be paid for out of the contingent fund of the House.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Terrell of Cherokee moved to table the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—42.

Anderson	Currey.
Baker of Panola.	German.
Ballengee.	Graham.
Barrett.	Hamilton
Bartlett.	of Childress.
Bell.	Harman.
Bogard.	Kennedy.
Boswell.	Lawson.
Bowles.	Lee.
Branch.	Maddox.
Briscoe.	Mason.
Brownlee.	Morris.
Cable.	Munson.
Craven.	Nelson
Crockett	of Kaufman.
of Washington.	O'Bryant.

Odom.
Pearson.
Ray.
Reedy.
Schofield.
Self.
Stamps.

Stead.
Stephenson.
Stepter.
Tarver.
Terrell of Cherokee.
Vaughan.
Walter.

Nays—53.

Adams.
Baker of Hood.
Bierschwale.
Bostic.
Brooks.
Brookshire.
Buchanan.
Byrne.
Canales.
Caves.
Cox.
Crawford.
Crisp.
Crockett
of Mitchell.
Cureton.
Dalby.
Dotson.
Elliott.
Gilmore.
Goodman.
Hamilton
of McCulloch.
Haxthausen.
Hill.
Jackson.
Jennings.
Keeble.

Leach.
Matthews.
Maxwell.
McCallum.
McDonald.
McKinney.
McLain.
Moller.
O'Bryan.
Porter.
Rabb.
Ralston.
Rayburn.
Roach.
Roberson of Erath.
Robertson
of Travis.
Schluter.
Smith.
Spradley.
Standifer.
Stratton.
Terrell of Bexar.
Turner.
Von Rosenberg.
Wahrmund.
Werner.
Wilson.

Present—Not Voting.

Brown.

McGown.

Absent.

Cathey.
Chaney.
Driggers.
Fant.
Fitzhugh.
Flournoy.
Fuller.
Highsmith.

Lively.
Nelson of Hopkins.
Nickels.
Perkins.
Pharr.
Reid.
Robertson of Bell.
Strickland.

Absent—Excused.

Aston.
Davis.
Johnson.

Luce.
Turney.
Wortham.

Question—Shall the resolution be adopted?

Mr. O'Bryan offered the following amendment to the resolution:

Amend resolution by striking out "5" and inserting "(3) three."

The amendment was adopted, and the resolution as amended was adopted.

MOTION TO RECONSIDER TABLED.

Mr. Kennedy moved to reconsider the vote by which the resolution providing for the appointment of employes of the House was adopted, and to table the motion to reconsider.

The motion to table prevailed.

APPOINTMENT OF EMPLOYES ANNOUNCED.

The Speaker announced the appointment of the following employes of the House:

Private Secretary to the Speaker—W. H. Marsh, Smith county.

Private stenographer to Speaker—Miss Lelia Craig, Grayson county.

Private page to Speaker—Bryan Blacklock, Harrison county.

Private porter to Speaker—General Jackson.

Clerk to Sergeant-at-Arms—C. S. Morrow, Dallas county.

Page to Sergeant-at-Arms—Douglass Pennery, Denton county.

Porter to Sergeant-at-Arms—Douglass Williams.

Page to Journal Clerk—Claude Elkins, Bexar county.

Page to Hon. W. S. Stepter—Joe Griffith, Ellis county.

HOUSE NOTIFIED THAT THE SENATE HAS A QUORUM PRESENT.

A committee from the Senate appeared at the bar of the House and, being duly announced, reported that the Senate had assembled in Special Session in obedience to the proclamation of the Governor; that it has a quorum present and is ready to proceed with business.

TIME FOR CONSIDERATION OF RESOLUTIONS EXTENDED.

The time for consideration of resolutions having expired, on request of Mr. Stephenson, by unanimous consent, the same was extended.

PROVIDING POSTAGE FOR MEMBERS.

Mr. Crockett of Mitchell offered the following resolution:

Resolved, That each member of this House be allowed \$10 in stamps, to be paid out of the contingent fund.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Jennings offered the following amendment to the resolution:

Amend by making it "\$5.00."

Mr. Crawford moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—45.

Adams.	McCallum.
Bell.	McGown.
Bierschwale.	McKinney.
Bostic.	McLain.
Boswell.	O'Bryan.
Briscoe.	O'Bryant.
Brooks.	Pearson.
Buchanan.	Rabb.
Byrne.	Rayburn.
Canales.	Roach.
Crawford.	Roberson of Erath.
Crisp.	Schluter.
Crockett	Smith.
of Washington.	Spradley.
Cureton.	Stamps.
Gilmore.	Standifer.
Goodman.	Stepter.
Graham.	Stratton.
Jackson.	Turner.
Keeble.	Von Rosenberg.
Lawson.	Walter.
Maddox.	Wilson.
Maxwell.	

Nays—47.

Anderson.	Jennings.
Baker of Hood.	Kennedy.
Baker of Panola.	Leach.
Ballengee.	Lee.
Barrett.	Mason.
Bartlett.	Matthews.
Bogard.	McDonald.
Bowles.	Moller.
Branch.	Morris.
Brookshire.	Munson.
Brownlee.	Nelson
Cable.	of Kaufman.
Caves.	Odom.
Craven.	Porter.
Crockett	Ralston.
of Mitchell.	Ray.
Dalby.	Robertson
Dotson.	of Travis.
Elliott.	Schofield.
Fant.	Self.
German.	Stead.
Hamilton	Tarver.
of Childress.	Terrell of Cherokee.
Hamilton	Vaughan.
of McCulloch.	Wahrmund.
Harman.	Werner.

Present—Not Voting.

Brown.

tention of the Legislature, and believing that a fair test of the principle involved could be and would be made, I approved it, and undertook to provide relief to the people under its provisions. It was believed that the principle of State regulation and control of fire insurance premium rates was practicable under just regulation laws, and that the State should not hesitate to assume and discharge that duty. It was also believed that the law as passed, although defective in many important essentials, would by a practical administration, vindicate the wisdom of entering this new field of corporation regulation. The people were, and are, entitled to a fair test of the principle under an effective and comprehensive law. It was inconceivable at the time of the enactment of the law that the legislative intention would be so warped by tortured and technical construction, as to furnish the insurance companies an opportunity to levy additional tribute and oppress the people. The fact remains, however, that the insurance companies are attempting to avail themselves of their surprising opportunity, and are proceeding along lines which will necessarily result in a loss to the insuring public of hundreds of thousands of dollars per annum.

The law which was intended to secure reasonable and fair premium rates under regulations fair and just to all, has been given an interpretation by the insurance companies which was never intended. Corporate greed again asserts itself and a combination of circumstances with which the public is familiar, has brought about the intolerable situation which demands legislative action. Conditions have arisen which demonstrate the inadequacy of the law as framed, and as an effort to amend the law might result in further complications and difficulties, the following procedure is respectfully recommended:

1. The passage of a bill repealing the law referred to outright.

2. The enactment of an adequate law to prevent combinations by the insurance companies to destroy competition in fire insurance rates in Texas; providing appropriate penalties therefor and providing means for the enforcement of same.

3. The enactment of a law regulating and controlling fire insurance companies doing business in this State, and

the regulation and control of fire insurance premium rates; to establish and fix rates and to effectively prevent the use of what is known as the "key rates," recently promulgated by the fire insurance companies. Such law as may be enacted should provide proper penalties for all violations of the law and embrace ample provisions for the enforcement thereof.

4. The enactment of a law prescribing the conditions under which fire insurance companies chartered under the laws of other States may secure permits to do business in Texas and providing that such companies shall show by appropriate proof and in manner and form to be prescribed by the law, that the company has never at any time undertaken to dominate legislation by threats to withdraw from the State, and that the company has never at any time withdrawn from this State or ceased to do business in Texas on account of any law enacted by a Legislature of Texas.

Fire insurance companies, and other corporations, undertaking to dominate legislation by threats to withdraw from the State, and companies that actually withdraw from the State or cease to do business in the State for such reasons, should not be permitted to re-enter the State on any condition, and adequate laws in this respect are respectfully recommended.

There are other important subjects that will be presented for the attention and consideration of the Legislature at an early date, but for the present the following additional subjects only are presented to your honorable bodies for consideration:

1. The enactment of suitable and effective laws to prohibit the exhibition of prize fights or glove contests by means of the moving picture films or other devices, in moving picture shows, or elsewhere, by any association, corporation or individual, and also to prevent immoral exhibitions by and through such agencies.

2. The enactment of a law making appropriations to construct, enlarge and equip additional buildings for the care and treatment of the colored insane at the State Asylum at Austin and for other necessary repairs and equipment for that institution.

Ample provision has been made for all the insane except perhaps seventy-five negroes now confined in county

jails, for whose care and treatment accommodations should be provided without delay.

I will again communicate with the Legislature during the coming week, and from time to time as the welfare of the people may demand.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

HOUSE BILLS ON FIRST READING:

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Jennings and Mr. Baker of Hood:

House bill No. 1, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the First Called Session of the Thirty-first Legislature, entitled 'An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates or premiums on fire insurances, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,' and further declaring an emergency."

Referred to Committee on Insurance.

By Mr. Crockett of Washington:

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employees of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Crockett of Washington:

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Ray:

House bill No. 4, A bill to be entitled "An Act to repeal Chapter 18, Acts of the First Called Session of the Thirty-first Legislature, relating to insurance." Referred to Committee on Insurance.

APPOINTMENT OF STENOGRAPHERS ANNOUNCED.

The Speaker announced the appointment of the following stenographers and clerks:

J. A. Feagin of Johnson county.

Howard Prowse of Travis county.

RESOLUTION OF CONDOLENCE.

Mr. Kennedy offered the following resolution:

Whereas, The House has learned with profound regret of the death of the mother of Hon. A. B. Davidson, Lieutenant Governor of the State; therefore, be it

Resolved, That when the House adjourns today that it do so out of respect to the deceased and that the Speaker appoint a committee of five to attend the funeral on the part of the House.

WAHRMUND,
BRISCOE,
KENNEDY.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Schluter moved that the resolution be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.

In accordance with the above action, the Speaker appointed the following committee:

Messrs. Standifer, Pearson, Elliott, Schluter and Crisp.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Crockett of Washington, it was ordered that House bills Nos. 2 and 3 be not printed.

HOUSE BILL NO. 2 ON SECOND READING.

Mr. Crockett of Washington moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 2 be taken up and placed on its second reading and passage to engrossment.

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The motion prevailed by the following vote:

Yeas—96.

Adams.	Lawson.
Anderson.	Leach.
Baker of Hood.	Lee.
Baker of Panola.	Maddox.
Ballengee.	Mason.
Barrett.	Matthews.
Bartlett.	Maxwell.
Bell.	McCallum.
Bierschwale.	McDonald.
Bogard.	McGown.
Bostic.	McKinney.
Boswell.	McLain.
Bowles.	Moller.
Branch.	Morris.
Briscoe.	Munson.
Brooks.	Nelson.
Brookshire.	of Kaufman.
Brownlee.	O'Bryan.
Buchanan.	O'Bryant.
Byrne.	Odom.
Cable.	Pearson.
Canales.	Porter.
Caves.	Rabb.
Cox.	Ralston.
Craven.	Ray.
Crawford.	Rayburn.
Crisp.	Roach.
Crockett	Roberson of Erath.
of Mitchell.	Robertson
Crockett	of Travis.
of Washington.	Schluter.
Cureton.	Schofield.
Currey.	Self.
Dalby.	Smith.
Dotson.	Spradley.
Elliott.	Stamps.
Fant.	Standifer.
German.	Stead.
Gilmore.	Stephenson.
Goodman.	Stepter.
Graham.	Stratton.
Hamilton	Tarver.
of Childress.	Terrell of Bexar.
Hamilton	Terrell of Cherokee.
of McCulloch.	Turner.
Harman.	Vaughan.
Hill.	Von Rosenberg.
Jackson.	Wahrmund.
Jennings.	Walter.
Keeble.	Werner.
Kennedy.	Wilson.

Present—Not Voting.

Brown.

Absent.

Aston.	Fuller.
Cathey.	Haxthausen.
Chaney.	Highsmith.
Driggers.	Lively.
Fitzhugh.	Nelson of Hopkins.
Flournoy.	Nickels.

Perkins.
Pharr.
Reedy.

Robertson of Bell.
Strickland.

Absent—Excused.

Davis.
Johnson.
Luce.

Turney.
Wortham.

The Speaker then laid before the House, on its second reading and passage to engrossment,

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 2 ON THIRD READING.

Mr. Crockett of Washington moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Anderson.	Crockett
Baker of Hood.	of Washington.
Baker of Panola.	Cureton.
Ballengee.	Currey.
Barrett.	Dalby.
Bartlett.	Dotson.
Bell.	Elliott.
Bierschwale.	Fant.
Bogard.	German.
Bostic.	Gilmore.
Boswell.	Goodman.
Branch.	Graham.
Briscoe.	Hamilton
Brooks.	of Childress.
Brookshire.	Hamilton
Brownlee.	of McCulloch.
Buchanan.	Harman.
Byrne.	Haxthausen.
Cable.	Hill.
Canales.	Jackson.
Caves.	Jennings.
Cox.	Keeble.
Craven.	Kennedy.
Crawford.	Lawson.
Crisp.	Leach.
Crockett	Lee.
of Mitchell.	Maddox.

inform the House that the Senate has adopted the following:

Senate Concurrent Resolution No. 1, That when the Senate and House adjourn today they adjourn until Monday, the 25th day of July, 1910, at 10:30 o'clock a. m.

Respectfully,
OLYDE D. SMITH,
Secretary of the Senate.

HOUSE BILL NO. 3 ON SECOND READING.

Mr. Crockett of Washington moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 3 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—89.

Adams.	Haxthausen.
Anderson.	Hill.
Baker of Hood.	Jernings.
Baker of Panola.	Keeble.
Ballengee.	Kennedy.
Barrett.	Lawson.
Bartlett.	Leach.
Bell.	Maddox.
Bierschwale.	Mason.
Bogard.	Maxwell.
Bostic.	McDonald.
Boswell.	McGown.
Bowles.	McKinney.
Branch.	McLain.
Briscoe.	Moller.
Brooks.	Morris.
Brookshire.	Munson.
Brownlee.	Nelson
Buchanan.	of Kaufman.
Byrne.	O'Bryan.
Cable.	O'Bryant.
Canales.	Odom.
Caves.	Pearson.
Cavan.	Perkins.
Crawford.	Pharr.
Crawford.	Porter.
of Mitchell.	Rabb.
of Washington.	Ralston.
Cureton.	Ray.
Currey.	Rayburn.
Dalby.	Reedy.
Dotson.	Roach.
Elliott.	Roberson of Erath.
German.	Robertson
Gilmore.	of Travis.
Goodman.	Schluter.
Graham.	Self.
Hamilton	Smith.
of Childress.	Spradley.
Hamilton	Stamps.
of McCulloch.	Standifer.
	Stead.

Stephenson.	Turner.
Stepter.	Vaughan.
Stratton.	Von Rosenberg.
Tarver.	Walter.
Terrell of Bexar.	Werner.
Terrell of Cherokee.	Wilson.

Present—Not Voting.

Brown.	Jackson.
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Absent.

Aston.	Lee.
Cathey.	Lively.
Chaney.	Matthews.
Cox.	McCallum.
Crisp.	Nelson of Hopkins.
Driggers.	Nickels.
Fant.	Reid.
Fitzhugh.	Robertson of Bell.
Flournoy.	Schofield.
Fuller.	Strickland.
Harman.	Wahrmund.
Highsmith.	

Absent—Excused.

Davis.	Turney.
Johnson.	Wortham.
Luce.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 3 by adding after the words "of either house," Section 1, the following, "and countersigned by the President of the Senate or the Speaker of the House of Representatives."

The amendment was adopted.

The bill was passed to engrossment.

HOUSE BILL NO. 3 ON THIRD READING.

Mr. Crockett of Washington moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Adams.	Leach.
Anderson.	Lee.
Baker of Hood.	Maddox.
Baker of Panola.	Mason.
Ballengee.	Matthews.
Barrett.	Maxwell.
Bartlett.	McCallum.
Bell.	McDonald.
Bierschwale.	McGown.
Bogard.	McKinney.
Bostic.	McLain.
Boswell.	Moller.
Bowles.	Morris.
Branch.	Munson.
Briscoe.	Nelson
Brooks.	of Kaufman.
Brookshire.	O'Bryan.
Brownlee.	O'Bryant.
Buchanan.	Odom.
Byrne.	Pearson.
Cable.	Porter.
Canales.	Rabb.
Caves.	Ralston.
Cox.	Ray.
Craven.	Rayburn.
Crawford.	Reedy.
Crisp.	Roach.
Crockett	Roberson of Erath.
of Mitchell.	Robertson
Crockett	of Travis.
of Washington.	Schluter.
Cureton.	Schofield.
Currey.	Self.
Dalby.	Smith.
Dotson.	Stamps.
Elliott.	Standifer.
Fant.	Stead.
Gilmore.	Stephenson.
Goodman.	Stepter.
Graham.	Stratton.
Hamilton	Tarver.
of Childress.	Terrell of Bexar.
Hamilton	Terrell of Cherokee.
of McCulloch.	Turner.
Haxthausen.	Vaughan.
Hill.	Von Rosenberg.
Jackson.	Wahrmund.
Jennings.	Walter.
Keeble.	Werner.
Kennedy.	Wilson.
Lawson.	

Present—Not Voting.

Brown.

Absent.

Aston.	Fuller.
Cathey.	German.
Chaney.	Harman.
Driggers.	Highsmith.
Fitzhugh.	Lively.
Flournoy.	Nelson of Hopkins.

Nickels.
Perkins.
Pharr.
Reid.

Robertson of Bell.
Spradley.
Strickland.

Absent—Excused.

Davis.
Johnson.
Luce.

Turney.
Wortham.

The Speaker then laid House bill No. 3 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—94.

Adams.	Jennings.
Anderson.	Kennedy.
Baker of Hood.	Lawson.
Baker of Panola.	Leach.
Ballengee.	Maddox.
Barrett.	Mason.
Bartlett.	Matthews.
Bell.	Maxwell.
Bierschwale.	McCallum.
Bogard.	McDonald.
Bostic.	McGown.
Bowles.	McKinney.
Branch.	McLain.
Briscoe.	Moller.
Brooks.	Morris.
Brookshire.	Munson.
Brownlee.	Nelson
Buchanan.	of Kaufman.
Byrne.	O'Bryan.
Cable.	O'Bryant.
Canales.	Odom.
Caves.	Pearson.
Cox.	Porter.
Craven.	Rabb.
Crawford.	Ray.
Crisp.	Rayburn.
Crockett	Reedy.
of Mitchell.	Roach.
Crockett	Roberson of Erath.
of Washington.	Robertson
Cureton.	of Travis.
Currey.	Schluter.
Dalby.	Schofield.
Dotson.	Self.
Elliott.	Smith.
Fant.	Spradley.
Gilmore.	Stamps.
Goodman.	Standifer.
Graham.	Stead.
Hamilton	Stephenson.
of Childress.	Stepter.
Hamilton	Stratton.
of McCulloch.	Tarver.
Haxthausen.	Terrell of Bexar.
Hill.	Terrell of Cherokee.
Jackson.	Turner.

Vaughan. Walter.
Von Rosenberg. Werner.
Wahrmund. Wilson.

Present—Not Voting.

Brown.

Absent.

Aston. Keeble.
Boswell. Lee.
Cathey. Lively.
Chaney. Nelson of Hopkins.
Driggers. Nickels.
Fitzhugh. Perkins.
Flournoy. Pharr.
Fuller. Ralston.
German. Reid.
Harman. Robertson of Bell.
Highsmith. Strickland.

Absent—Excused.

Davis. Turney.
Johnson. Wortham.
Luce.

PROVIDING FOR ADJOURNMENT.

(By Unanimous Consent.)

The Speaker laid before the House for present consideration the following concurrent resolution:

Senate Concurrent Resolution No. 1, Providing for adjournment.

Resolved by the Senate, the House of Representatives concurring, That when the Senate and the House of Representatives adjourn today that they adjourn until Monday, the 25th day of July, 1910, at 10:30 o'clock a. m.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Gilmore moved that the resolution be laid on the table subject to call.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—61.

Anderson. Crockett
Baker of Hood. of Mitchell.
Baker of Panola. Cureton.
Ballengee. Currey.
Barrett. Dalby.
Bartlett. Dotson.
Bell. German.
Bogard. Gilmore.
Bostic. Graham.
Bowles. Hamilton
Branch. of Childress.
Brownlee. Hamilton
Cable. of McCulloch.
Craven. Hill.
Crawford. Jennings.

Kennedy.
Lawson.
Lee.
Maddox.
Mason.
Maxwell.
McDonald.
McKinney.
Moller.
Morris.
Munson.
Nelson
of Kaufman.
O'Bryant.
Odom.
Porter.
Rabb.
Ray.
Rayburn.
Reedy.
Roach.
Roberson of Erath.
Robertson
of Travis.
Self.
Smith.
Stamps.
Stead.
Stephenson.
Stepter.
Stratton.
Tarver.
Terrell of Cherokee.
Turner.
Vaughan.
Walter.

Nays—31.

Adams. Jackson.
Bierschwale. Keeble.
Boswell. Leach.
Briscoe. Matthews.
Brookshire. McCallum.
Buchanan. McGown.
Byrne. McLain.
Canales. O'Bryan.
Caves. Pearson.
Cox. Ralston.
Crisp. Schluter.
Crockett. Standifer.
of Washington. Terrell of Bexar.
Elliott. Von Rosenberg.
Goodman. Werner.
Haxthausen. Wilson.

Absent.

Aston. Lively.
Brooks. Nelson of Hopkins.
Brown. Nickels.
Cathey. Perkins.
Chaney. Pharr.
Driggers. Reid.
Fant. Robertson of Bell.
Fitzhugh. Schofield.
Flournoy. Spradley.
Fuller. Strickland.
Harman. Wahrmund.
Highsmith.

Absent—Excused.

Davis. Turney.
Johnson. Wortham.
Luce.

Mr. Gilmore moved to reconsider the vote by which the resolution was laid on the table subject to call, and asked to have the motion to reconsider spread on the Journal.

PRESENTATION OF GAVEL TO THE HOUSE.

Speaker Marshall stated that the gentleman from Nacogdoches county

(Mr. Dotson), desired to present a gavel to the House, and that he would therefore recognize him for that purpose.

Mr. Dotson then presented a gavel to the House, and, in making the presentation, said:

Mr. Speaker and Gentlemen of the House:

I desire to present to this body a gavel made from the wood of an historic tree at Nacogdoches situated on the banks of Bonita creek, known as the "Liberty Elm." This tree was of much importance in the history of Eastern Texas because under its branches transpired events that were of Statewide importance.

In the early days Haydon Edwards was driven from his hut at Nacogdoches by Mexican misrule. After accumulating a force in Louisiana he came back to Nacogdoches and under this tree they declared their independence from the government of Mexico and instituted what is known in Texas history as the Fredonian Rebellion. Since which time this tree has been known as the "Liberty Elm."

In the shade of this tree was preached the first Protestant sermon ever preached in Texas, and in the early days Sam Houston held his camp on Bonita creek and had his headquarters under this tree, where he mustered into service the soldiers of Eastern Texas that he used in the campaign against the Mexican government in the Texas-Mexican war. Tradition has it that Bowie, Fannin and Crockett used the shades of this tree as a camping ground when they came from the East to assist Texas in fighting for her independence. It has shaded the various people who have made the history of Eastern Texas famous. Under its boughs has stood that matchless old Texan, John H. Reagan, and the immortal Governor James Stephen Hogg.

When Bob Lee came to Texas to participate in the war between the United States and Mexico, according to the testimony of old citizens, he camped under this historic tree. It has been the pride of Nacogdoches for many years. It had been fenced and protected, and from its historic traditions the younger generation were taught the principles of true patriotism and statesmanship. It has been considered by us as the cradle of Texas liberty. During last summer it was torn up by a storm, and I conceived the idea of having two gavels made to present one to each house as a memento from Eastern Texas of the sterling

worth and integrity of her early citizenship that they may be kept as an inspiration for the younger generation.

Mr. Speaker, I take pleasure in presenting to this House a gavel made from the old historic "Liberty Elm" of Nacogdoches.

At the conclusion of Mr. Dotson's remarks, Speaker Marshall accepted the gavel on behalf of the House.

RECESS.

On motion of Mr. Ray, the House at 6:25 p. m. took recess to 8:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 8:30 o'clock p. m., and was called to order by the Speaker.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Highsmith for this week, on motion of Mr. Gilmore.

PROVIDING FOR ADJOURNMENT.

Mr. Kennedy called up the motion to reconsider the vote by which Senate Concurrent Resolution No. 1 was laid on the table subject to call, which motion to reconsider was today spread on the Journal.

The Speaker laid the motion to reconsider before the House, and it prevailed.

The Speaker then laid Senate Concurrent Resolution No. 1, relative to adjournment, before the House, the question being on the motion that the resolution be laid on the table subject to call.

Mr. Gilmore withdrew the motion that the resolution lie upon the table subject to call.

Question—Shall Senate Concurrent Resolution No. 1 be adopted?

Mr. Stead offered the following amendment to the resolution:

Amend by adding: "Provided that no member who leaves the city of Austin shall be paid for the time intervening."

STEAD,
RAY.

Question—Shall the amendment be adopted?

Mr. Lee raised a point of order on consideration of the amendment on the ground that the law fixes the pay of members of the Legislature.

The Speaker sustained the point of order and ruled the amendment out of order.

Question recurred—Shall Senate Concurrent Resolution No. 1 be adopted?

Yeas and nays were demanded and the roll was called on the resolution.

The roll call developed the fact that there was not a quorum present, and the Speaker so announced.

Mr. Terrell of Bexar moved a call of the House, and the motion was duly seconded.

The Speaker then directed the Doorkeeper to close all the doors leading out of the Hall, and to permit no member to leave the Hall.

Mr. Kennedy moved that the Sergeant-at-Arms be instructed to bring in enough of the absent members to make a quorum.

The motion prevailed.

While the House was standing at ease awaiting the development of a quorum, the following members came in and were announced present:

Messrs. Canales, Hamilton of Childress, Maxwell, McDonald, Rabb, Smith and Stepter.

A quorum was then announced present.

The roll call was then completed, and the resolution was adopted by the following vote:

Yeas—53.

Mr. Speaker.

Adams.	Jackson.
Arrett.	Jennings.
Bell.	Keeble.
Bierschwale.	Lawson.
Bogard.	Leach.
Bostic.	Mason.
Boswell.	Matthews.
Branch.	Maxwell.
Briscoe.	McCallum.
Brooks.	McGown.
Brookshire.	McKinney.
Brown.	McLain.
Buchanan.	Morris.
Canales.	Munson.
Cox.	O'Bryan.
Crisp.	Pearson.
Crockett	Reedy.
of Mitchell.	Roach.
Crockett	Roberson of Erath.
of Washington.	Schluter.
Dalby.	Smith.
Elliott.	Stephenson.
Fant.	Stratton.
Goodman.	Tarver.
Graham.	Terrell of Bexar.
Hamilton	Werner.
of McCulloch.	Wilson.
Hill.	

Nays—36.

Anderson.

Baker of Hood.

Baker of Panola.	McDonald.
Ballengee.	Moller.
Bartlett.	Nelson
Bowles.	of Kaufman.
Brownlee.	O'Bryant.
Cable.	Porter.
Caves.	Rabb.
Craven.	Ray.
Cureton.	Rayburn.
Currey.	Self.
Dotson.	Spradley.
German.	Stamps.
Gilmore.	Stead.
Hamilton	Stepter.
of Childress.	Terrell of Cherokee.
Kennedy.	Turner.
Lee.	Vaughan.
Maddox.	Walter.

Absent.

Aston.	Odom.
Byrne.	Perkins.
Cathey.	Pharr.
Chaney.	Ralston.
Cawford.	Reid.
Driggers.	Robertson of Bell.
Fitzhugh.	Robertson
Flournoy.	of Travis.
Fuller.	Schofield.
Harman.	Standifer.
Haxthausen.	Strickland.
Lively.	Von Rosenberg.
Nelson of Hopkins.	Wahrmund.
Nickels.	

Absent—Excused.

Davis.	Luce.
Johnson.	Turney.
Highsmith.	Wortham.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, July 19, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employees of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of

the Governor, and declaring an emergency."

Respectfully,
CLYDE D. SMITH,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following bills:

House bill No. 2, "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

RECESS.

On motion of Mr. Crockett of Washington, the House, at 11:25 o'clock p. m., took recess until 10 o'clock a. m. tomorrow.

AFTER RECESS.

(July 20.)

The House met at 10 o'clock a. m., and was called to order by the Speaker.

APPOINTMENTS ANNOUNCED.

The Speaker announced the appointment of the following employes of the House:

Clerks—W. R. Long, Travis county; Jas. I. Perkins, Jr., Cherokee county.

Porters—John Merriweather, Henry Madison, Henderson Jackson, Will Peete, Jeff Johnson, John Jackson, Joe Gordon, Taylor Smith.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Flournoy for today, on motion of Mr. Caves.

Mr. Johnson for today, on motion of Mr. Moller.

Mr. Harman for this week, on motion of Mr. Stephenson.

Mr. Robertson of Bell for this week, on motion of Mr. McLain.

Mr. Bierschwale for this week, on motion of Mr. Bartlett.

Mr. Byrne for the balance of this week, on motion of Mr. Rayburn.

Mr. Lively for this week and Mr. Crawford for the balance of this week, on motion of Mr. McCallum.

Mr. Fuller for this week, on motion of Mr. German.

Mr. Graham for the balance of this week, on motion of Mr. Hamilton of Childress.

Mr. Nickels for this week, on motion of Mr. Stephenson.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees, as follows:

By Mr. Bowles, Mr. Gilmore and Mr. Terrell of Cherokee:

House bill No. 5, A bill to be entitled "An Act to prohibit the exhibition or representation of prize fights and glove contests by moving picture films or other means, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Bowles, Mr. Gilmore and Mr. Terrell of Cherokee:

House bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of lewd, lascivious or immoral scenes or pictures by moving picture films or other means whatever, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

RELATIVE TO HEARINGS BEFORE COMMITTEES.

Mr. Baker of Hood offered the following resolution:

Resolved, That the chairmen of the several committees are hereby requested to take the names and addresses of those who appear before their committees in the interest of legislation, and that said names and addresses be entered on the Journal.

Signed—Baker of Hood, Terrell of Cherokee, Baker of Panola, Wilson, Cureton, Turner, Porter, Anderson, Hamilton of McCulloch, Bell, Ralston, Brookshire, Moller.

The resolution was read second time, and was adopted.